

REQUEST FORM AND FORMALITIES PRELIMINARY AMENDMENT FOR
FILING A PATENT APPLICATION UNDER 37 CFR 1.53(b)

Attorney Docket No. P61750US1

Mail Stop Patent Application
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

This is a request for filing the attached ☒ continuation or ☐ divisional or ☐ continuation-in-part application under 37 CFR 1.53(b) of prior application number 08/996,768, filed December 23, 1997, for TEST PROCEDURE WITH BIOLOGICAL SYSTEM, by inventor(s):

Albrecht WENDEL
Thomas HARTUNG

Enclosed is a copy of the prior application including the inventorship declaration as originally filed.

1. ☒ A Preliminary Amendment is enclosed.
2. ☐ Cancel claims * before calculating the filing fee.
3. ☒ The filing fee is calculated as follows on the basis of the claims existing in the prior application as amended by 1 and/or 2 above.

| Fee Calculation | | | | | | | |
|---|--------------|------------|---------------|------------------|--------------|------------------|--------------|
| Excess Claims | | | | | | | |
| | Nº of Claims | Nº Allowed | Excess Claims | Small Entity Fee | | Large Entity Fee | |
| | | | | <u>fee/claim</u> | <u>total</u> | <u>fee/claim</u> | <u>total</u> |
| <i>Total</i> | 4 | ⊖ 20 = | 0 | ⊗ \$9 = | \$0 | ⊗ \$18 = | \$0 |
| <i>Ind.</i> | 4 | ⊖ 3 = | 1 | ⊗ \$42 = | \$42 | ⊗ \$84 = | \$84 |
| <input type="checkbox"/> Multiple Dependent Claims (1 st Filing) | | | | ⊗ \$140 = | | ⊗ \$280 = | |
| Excess Claims Fee | | | | \$42 | | \$84 | |
| Filing Fee | | | | \$435 | | \$ | |
| Other: | | | | \$ | | \$ | |
| Total Fee Due | | | | \$477 | | \$84 | |

4. ☒ Payment Form PTO-2038 (credit card) for \$477 is attached.
- ☐ Charge \$* to Deposit Account No. 06-1358.

13281 U.S. PTO
012204

22553 U.S. PTO
10/761237
012204

5. ☐ This application is filed without declaration and filing fee under 37 CFR 1.53(f).
6. ☒ Amend the specification by inserting at page 1, before the first line:
This is a continuation of application no. 08/996,768 filed December 23, 1997.
☐ which is a * of application no. */*, filed *
☐ which is a * of application no. */*, filed *
☐ which is a 371 of application no. PCT/*/*, filed *, and published in *
the disclosure of the foregoing being incorporated by reference herein.
7. ☒ Small entity status:
☐ A small entity statement is enclosed.
☒ A small entity statement was filed in the prior nonprovisional application and such status is still proper and desired.
☐ Is no longer claimed.
8. ☒ Priority under 35 USC 119 is claimed to application number DE 196 54 266.9 filed December 23, 1996, in GERMANY.
☒ Certified copy on file in prior application no. 08/996,768
☐ Certified copy filed herewith.
9. ☒ The prior application is assigned of record to Albrecht WENDEL and Thomas HARTUNG.
10. ☒ The Power of Attorney in the prior application is to at least one of the following:
William E. Player, 31,409; John Clarke Holman, 22,769; Harvey B. Jacobson, Jr., 20,851; D. Douglas Price, 24,514; Marvin R. Stern, 20,640; Michael R. Slobasky, 26,421; Jonathan L. Scherer, 29,851; Irwin M. Aisenberg, 19,007.
☒ The power appears in the original papers of the prior application.
☐ Since the power does not appear in the original papers, a copy of the power in the prior application is enclosed.

11. ☒ Petition to extend the life of the above prior application to at least the date hereof
(One box) ☒ is being concurrently filed in that prior application.

NOTE:(must be) ☐ was previously filed in that application.

(X'd) ☐ is not necessary.

If a petition for extension of time is necessary and the petition and/or fee is not enclosed, the commissioner is petitioned to extend the time for response and authorized to charge any fees necessary under 37 CFR 1.17 (a)(1)-(5) to Deposit Account No. 06-1358.

12. ☐ Formal drawings are enclosed.
13. ☒ Enclosed is a copy of each Information Disclosure Statement (IDS) and Form PTO 1449 of record in each prior application relied on for an earlier filing date under 35 U.S.C. 120.
14. ☒ Enclosed is a copy of each Form PTO 892 of record in each prior application relied on for an earlier filing date under 35 U.S.C. 120.
15. ☐ Also enclosed: *

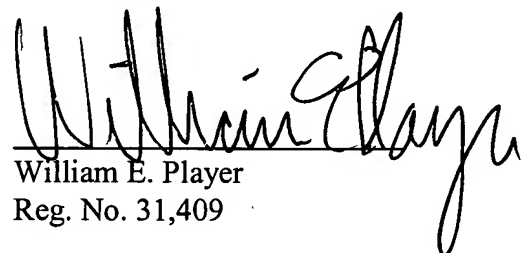
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Respectfully submitted,

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By


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Date: January 22, 2004
WEP/bap

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